

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Examine the
Commission's Future Energy Efficiency Policies,
Administration and Programs.

Rulemaking 01-08-028
(Filed August 23, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING
DENYING THE MOTION OF CENTER FOR SMALL BUSINESS
AND THE ENVIRONMENT, SMALL BUSINESS ADVOCATES AND
EFFICIENCY DATA & DEVELOPMENT TO CONDUCT A STUDY**

Summary

This ruling denies the motion of the Center for Small Business and the Environment, Small Business Advocates and Efficiency Data & Development (CSBE, SBA and ED&D or "Petitioners") to conduct a survey of 2003 Express Efficiency CFL Program sites to gather data.

Petitioners make a reasonable case for evaluating the energy savings derived from Pacific Gas and Electric Company's (PG&E) Express Energy Efficiency Program. However, any evaluation providing information to warrant implementation changes that would improve the energy savings associated with the program is best conducted by and under the supervision of the Commission's own staff rather than a third party.

Background

The Commission approved funding for PG&E's Express Energy Efficiency program for 2004/2005 on February 26, 2004. The program provides incentives to small and medium non-residential customers throughout the state. The

program offers customers rebates on over 150 energy efficiency measures in six categories: lighting; heating, ventilation and air conditioning; refrigeration; food service; gas technology; and agricultural, upstream, and other technology retrofit measures.

After reviewing information provided by PG&E, CBSE, SBA and ED&D filed a motion on March 25, 2004, seeking authority to survey the accuracy of the lighting energy savings projections. More specifically, Petitioners request authority to conduct a study of the 14-26 watt screw-in compact fluorescent lamps (CFLs). Petitioners state these CFLs comprise a substantial majority of the savings PG&E has estimated for the 2003 program and the 2004-2005 program.

CBSE, SBA and ED&D believe the assumptions used to support the annual energy savings of the CFLs are flawed. Specifically, PG&E's energy savings estimates rely upon an inconsistency between the assumptions for the hours of operation in the savings calculations and the hours of operation for the lifetime of the CFLs. The assumptions for each of these numbers should be the same.

On April 9, 2004, PG&E filed a response to CSBE, SBA and ED&D's motion. PG&E claims that CSBE, SBA and ED&D incorrectly analyzed PG&E's workbook. PG&E believes additional research on the effectiveness of the current system would duplicate the work of the EM&V study. It also raises concerns that its clients' confidentiality may be compromised.

This ruling denies the motion for information and permission to conduct a survey of 2003 Express Efficiency CFL program sites to gather data. However, this ruling invites Petitioner's delegate to join the advisory committee that oversees the EM&V activities of this program. The Commission would benefit from the type of analysis Petitioners have provided for this program and PG&E should take seriously the participation of Petitioners' delegate. Energy Division

staff has agreed to play a more active role on this committee and support the efforts of Petitioners to refine the EM&V protocols for this program. Energy Division staff may also conduct its own investigation of this and any other program if it determines such an investigation is necessary.

IT IS RULED that:

1. The motion of the Center for Small Business and the Environment, Small Business Advocates and Efficiency Data & Development, dated March 25, 2004 is denied.

2. Pacific Gas and Electric Company (PG&E) shall permit Petitioners' delegate to attend and participate in all activities of the EM&V advisory committee for its Express Efficiency programs. PG&E shall notify Petitioners' of all scheduled meetings of that advisory committee no less than five working days in advance of those meetings. The committee should consider the analysis and recommendations of Petitioners' delegates.

Dated July 29, 2004, at San Francisco, California.

/s/ KIM MALCOLM

Kim Malcolm
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Denying the Motion of Center for Small Business and the Environment, Small Business Advocates and Efficiency Data & Development to Conduct a Study on all parties of record in this proceeding or their attorneys of record. In addition, service was also performed by electronic mail.

Dated July 29, 2004, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.